

EXHIBIT B

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

CHAD PELISHEK,

CONFIDENTIAL

Plaintiff,

VOLUME II

-vs-

Case No. 2:23-CV-1048

CITY OF SHEBOYGAN, et al.,

Defendants.

Examination of CHAD PELISHEK, taken at the instance of the Defendants, under and pursuant to the applicable Rules of Civil Procedure, before SAMANTHA J. SHALLUE, a Registered Professional Reporter and Notary Public in and for the State of Wisconsin, at MWH Law Group, 735 North Water Street, Suite 610, Milwaukee, Wisconsin, on September 12, 2024, commencing at 9:08 a.m. and concluding at 4:59 p.m.

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1 Interrogatory -- the answer to Interrogatory
2 No. 7 which is now your amended and
3 supplemental response to that interrogatory for
4 the City, and I want you to take a moment to
5 review that answer specifically in relation to
6 City Attorney Adams.

7 A Okay.

8 Q What information do you have to support your
9 allegation that City Attorney Adams directed
10 and worked with Jill Hall to investigate only
11 whether Emily was subjected to harassment and
12 retaliation for purportedly and falsely
13 reporting your racism?

14 A What -- sorry.

15 Q What information do you have to support that
16 allegation?

17 A Well, again, he -- the comments that he made
18 that he was amending the report with Jill Hall
19 and that it wasn't being released because he
20 was still reviewing it. I sat in the meeting
21 wondering why is he -- why is he editing the
22 report when this was supposed to be an
23 independent investigation, and one would think
24 that if you hired an outside investigator,
25 whatever the report was that you were given,

1 you would have taken the information and went
2 with it, and then when the report was released
3 and it exonerated Emily, but didn't exonerate
4 me, it painted me as a racist.

5 Q Is that everything that you are relying on to
6 assert that allegation?

7 A I believe so.

8 Q What facts do you rely on to contend that his
9 conduct -- his alleged conduct was motivated by
10 your race or gender?

11 A Because they protected everything that had
12 happened up until that point. I was never able
13 to share my context to the story of what
14 happened, and it was all geared towards
15 protecting Emily Rendall-Araujo and retaliation
16 supposedly against her.

17 Q Your only involvement in the Hall investigation
18 was that she conducted an interview of you,
19 correct?

20 A Correct.

21 Q So you have no knowledge of what her
22 investigation involved, correct?

23 A Correct.

24 Q And you have no knowledge of what -- what
25 involvement, if any, City Attorney Adams had in

1 so with the approval of common council, right?

2 A Again, I can't answer that.

3 Q Do you have any information that the mayor is
4 the one that approves the hiring of outside
5 companies for PR?

6 A I -- I don't know that the City's ever hired
7 outside companies, so I don't know, for PR.

8 Q What information do you have that the mayor
9 never spoke to any city partners who refused to
10 work with you?

11 A The mayor's assistant, Veronica Valdez, came to
12 me and said that she had been having a
13 conversation with the -- a person at the
14 Sheboygan County Chamber of Commerce and that
15 they were afraid to have me go on an economic
16 development tour with their group because they
17 were concerned that I was going to release
18 unsolicited [sic] racial slurs to the group
19 and that she felt that we needed to have a
20 conversation with the HR director, Adam
21 Westbrook, at the time to discuss how to handle
22 this situation.

23 Q And you did, in fact, have a conversation with
24 Adam Westbrook about that, didn't you?

25 A Yes.

1 Q And you've produced that as MMPEL003, correct?

2 A I don't know what the "MMPEL" means.

3 Q If I have an audio recording of a conversation
4 between you and Adam Westbrook and Veronica
5 that you produced discussing that topic, would
6 you have any reason to dispute that?

7 A No.

8 Q Okay. And you came up with a solution during
9 that meeting with Adam Westbrook as far as how
10 that would be handled, correct?

11 A Yes.

12 Q Any other city partners that refused to work
13 with you after the racial slur incident?

14 A No.

15 Q And --

16 A Not that I'm aware of.

17 Q -- did you actually go on the chamber of
18 commerce tour that you were referring to
19 earlier?

20 A I don't recall if I did or if I didn't.

21 Q Do you have any other evidence that the mayor
22 refused to speak to the chamber about them not
23 wanting to have you attend that tour?

24 MS. DeMASTER: Objection; form.

25 THE WITNESS: I'm not sure.

1 BY MS. MURPHY:

2 Q You're not sure if you have any other evidence?

3 A I don't believe I do.

4 Q Okay. How is a statement by the mayor at the
5 October 17 council meeting that there is no
6 place for racism conduct that's hostile towards
7 you?

8 A Because I don't believe that that's a comment
9 that the mayor would just make at any council
10 meeting without referring back to the incident
11 that happened prior.

12 Q You put in quotes that -- the fact that he said
13 there's no place for racism is hostile towards
14 you. Explain to me why that statement is
15 hostile towards you.

16 A Because it's -- as I stated, it's -- the
17 August 22nd meeting and the events leading as
18 part of that after that and the fact that the
19 comment was made that there's no -- that this
20 is no place for racism insinuates to me that it
21 was directed towards me and what was said at
22 that meeting.

23 Q He didn't reference you in that statement,
24 correct?

25 A Correct.

1 Q Okay. And there's nothing wrong with the
2 actual words "There's no place for racism,"
3 correct? Do you take issue with that quote,
4 "There's no place for racism"?

5 MS. DeMASTER: Objection; form.

6 THE WITNESS: No.

7 BY MS. MURPHY:

8 Q Okay. What do you think the mayor could have
9 done to stop the articles that Maya Hilty and
10 the Sheboygan Press published in relation to
11 the racial slur incident?

12 MS. DeMASTER: Objection; form.

13 THE WITNESS: I don't have an answer
14 for that. I don't know.

15 BY MS. MURPHY:

16 Q Well, you make the allegation that he met with
17 Hilty before the articles, knew of other
18 articles being published about you, but did not
19 stop them. So what did you believe he could do
20 to stop them?

21 A He could have shared the context of the meeting
22 and tried to say that this was not a -- this
23 was done in a closed meeting and that this
24 isn't a public issue and that I'm not a racist
25 and I don't go around and issue unsolicited

1 that you have or evidence you have in relation
2 to her whistleblower complaint?

3 A Yes.

4 Q Have you ever heard Ms. Rendall-Araujo make a
5 statement that white men of privilege can't
6 comment on certain things?

7 A I have not heard her say that, but I've seen it
8 printed.

9 Q Where was it printed?

10 A I stated previously.

11 Q Refresh my memory.

12 A On a -- it was said at a public meeting, and it
13 was published on a Facebook page.

14 Q Is that where you're talking about the comment
15 dismantle the patriarchy?

16 A Yes.

17 Q You're saying that she made the comment that
18 white men of privilege can't speak about
19 certain things during that same meeting?

20 A Sorry, I was referring to the dismantle the
21 patriarch.

22 Q Okay. So have you ever heard her say, "White
23 men of privilege can't speak about certain
24 things"?

25 A I have not heard her say that, but I've heard

1 secondhand from Todd Wolf.

2 Q So when did Todd Wolf tell you that she made
3 that statement?

4 A In a one-on-one meeting in his office. I don't
5 know the exact date.

6 Q So did he tell you that she only made that
7 statement once to him?

8 A I can't answer that.

9 Q Do you have any information as you sit here
10 today that he told you that she made that
11 statement any more than one time to him?

12 A No.

13 Q Okay. Have we discussed all of the conduct you
14 allege Ms. Rendall-Araujo engaged in that was
15 disparate treatment of you based on your
16 gender?

17 MS. DeMASTER: Objection; form. You
18 can answer.

19 THE WITNESS: I believe so.

20 BY MS. MURPHY:

21 Q I'd like to refer you to your amended and
22 supplemental response to the Individual
23 Defendants' Interrogatory No. 8 which asks you
24 to describe with specificity the conduct that
25 you allege Ms. Rendall-Araujo engaged in that

1 communication with Derek Muench that -- to
2 support this allegation?

3 A I don't believe so.

4 Q Okay. The next allegation of misconduct you
5 have in relation to Mr. Westbrook is that he
6 "would not release or encourage release of any
7 statement that plaintiff was reporting racism
8 and the context where he was asked to repeat
9 the slur so the public would not think he was a
10 racist anymore." What information do you have
11 to support that allegation?

12 A Meetings in my office with him.

13 Q Okay. So what statements do you claim he made
14 to you in meetings in your office? Was it your
15 office or his office that you were meeting in?

16 A He came into my office.

17 Q Okay. So what -- what do you claim he said
18 during those meetings?

19 A The first time I said that I wanted to file a
20 complaint against Emily for what was going on,
21 and he told me that I couldn't do that because
22 I just needed to play it out and that it had
23 happened prior and that he couldn't fix what
24 happened in the past and release any context
25 related to that.

1 Q Did you record that conversation?

2 A I did not.

3 Q Did you write about it in your notes?

4 A I can't confirm that.

5 Q Did you -- when you made those notes, were they
6 made, like, at the time things were happening,
7 or when did you create those notes?

8 A Some of the notes were; some of the notes
9 weren't because there was a lot going on and I
10 was trying to just do my job and continue to do
11 what I can, but also to try to keep track of
12 what was happening.

13 Q Okay. When did that meeting take place?

14 A I don't know the exact date, but I think it was
15 in January.

16 Q Is that the extent of what you claim
17 Mr. Westbrook said and what you said during
18 that meeting?

19 A I believe so.

20 Q Was anyone else present?

21 A I don't believe so.

22 Q Did you -- do you have any documents in
23 relation to that meeting?

24 A Well, you just asked if it was in the notes,
25 and I said I don't know if it's in the notes.

1 That's the only documentation I would have.

2 Q Okay. So there's no e-mail, follow-up e-mails,
3 between the two of you on that?

4 A I don't know. I don't think so.

5 Q When did the second meeting occur?

6 A The second meeting was the meeting between us,
7 myself, and Veronica related to the city
8 partners.

9 Q And that's the one that we have the audio
10 recording of?

11 A Yes.

12 Q Do you recall when that occurred?

13 A Maybe in February.

14 Q Was that in your office, or was that somewhere
15 else?

16 A His office, Adam's office.

17 Q And your first meeting with him, did that just
18 involve your request to file a complaint
19 against Emily?

20 A Can you clarify? Are you just wondering if
21 that was the only thing we discussed?

22 Q Well, what I'm trying to understand is you said
23 he "would not release or encourage release of
24 any statement that plaintiff was reporting
25 racism and the context in which he was asked to

1 repeat the slur," so I'm just trying to figure
2 out if you discussed him -- you know, a
3 statement being released during that first
4 meeting or if that was only discussed during
5 the second meeting?

6 A I did discuss a statement being released as
7 part of that discussion on the complaint, and
8 that's when he told me that that was done in
9 the past and that he can't fix the past. He
10 had just started with the City and was going
11 around and meeting with department heads and
12 trying to understand what was going on and
13 trying to see if he could fix some of the
14 issues that were happening in each of the
15 departments.

16 Q To your knowledge, did Adam Westbrook release
17 any statements on behalf of the City during his
18 employment?

19 MS. DeMASTER: Objection; form.

20 THE WITNESS: A clarifying question.

21 To who?

22 MS. MURPHY: The public, release a
23 statement to the public.

24 BY MS. MURPHY:

25 Q Did he release any statements to the public

1 that you're aware of during his employment with
2 the City?

3 A Are you reading that in this paragraph?

4 Q Your allegation is that Mr. Westbrook would not
5 release or encourage release of any statement
6 that plaintiff was reporting racism and the
7 context in which he was asked to repeat the
8 slur so that the public would not think he was
9 a racist. So my question to you is whether or
10 not you -- to your knowledge, Mr. Westbrook
11 released any statements on behalf of the City,
12 public statements, on any subject during his
13 employment?

14 A I can't verify that.

15 Q Can you recall of any as you sit here today?

16 A I don't know.

17 Q Your next allegation against Mr. Westbrook is
18 that he issued the March 8th, 2023, directive.
19 That e-mail was sent to all city users,
20 correct?

21 MS. DeMASTER: Objection; foundation.

22 THE WITNESS: I do not know. If you
23 have a copy of it, I could verify that, but I
24 don't know.

25 MS. MURPHY: Oh, actually, I take

1 that back.

2 BY MS. MURPHY:

3 Q That was sent to department heads, correct?

4 A I don't know.

5 (Exhibit No. 23 was marked.)

6 BY MS. MURPHY:

7 Q You've been handed Deposition Exhibit 23 which
8 is a copy of the March 8, 2023, e-mail. Now
9 that you've had a chance to look at it, was
10 that sent to city department heads?

11 A Yes.

12 Q So what information do you rely on to support a
13 contention that that was issued -- that that
14 e-mail was motivated by your race or gender?

15 MS. DeMASTER: Objection; form. You
16 can answer if you know.

17 THE WITNESS: Because it's in
18 reference to the Jill Hall report.

19 BY MS. MURPHY:

20 Q It was sent to all the department heads which
21 are both male and female, correct?

22 A Yes.

23 Q Okay. So any other information that you're
24 relying on to contend that it was -- that that
25 e-mail was sent based -- motivated, you know,

1 by your race or gender besides what you've just
2 stated?

3 MS. DeMASTER: Objection to form. If
4 you know you can answer.

5 THE WITNESS: I don't know.

6 BY MS. MURPHY:

7 Q How many times did you meet with Adam
8 Westbrook?

9 A While he was --

10 Q Well, I'll ask a better question. How many
11 times did you talk with Adam Westbrook in his
12 office? You talked to me about two times.
13 Were there other times where you met with him
14 and specifically discussed either the
15 August 22nd racial slur incident or the Hall
16 investigation?

17 A Yes.

18 Q When?

19 A I don't know the exact date, but there was a
20 meeting between Mayor Sorenson and Adam
21 Westbrook where both of them came into my
22 office and wanted to tell me that they had
23 received a lawsuit for Todd Wolf and that I was
24 going to be the main witness in that lawsuit.

25 Q Anyone else present besides the three of you:

1 the mayor, Adam Westbrook, and yourself?

2 A I don't believe so.

3 Q What did you say in response to their comment
4 that you would be the main witness in that
5 lawsuit?

6 A I didn't understand the reason why it would
7 have been -- why I would have been the main
8 witness, and I may have referenced that I
9 needed to seek an attorney.

10 Q You don't recall if you said that or not?

11 MS. DeMASTER: Objection; misstates
12 testimony.

13 THE WITNESS: I can't confirm if it
14 was at that meeting or the following meeting
15 after that.

16 BY MS. MURPHY:

17 Q Okay. And did the mayor or Adam Westbrook say
18 anything else in that meeting?

19 A Related to?

20 Q Anything. I mean, did they say anything else
21 during that meeting?

22 A I don't believe so.

23 Q Did you say anything else during that meeting?

24 A I'm not sure.

25 Q As you sit here today, can you recall saying

1 anything else during that meeting?

2 A I'm not sure.

3 Q Did you record that meeting?

4 A I did not.

5 Q You referenced another meeting. When was the
6 next meeting that you had with Mr. Westbrook?

7 A The last meeting was when the Hall report was
8 released.

9 Q Where did that meeting take place?

10 A In my office.

11 Q Who was present?

12 A Mayor Sorenson, Adam, and myself.

13 Q What was said by the mayor and Adam?

14 A That the Hall report -- actually, Adam gave me
15 a copy of the Hall report to read, and when I
16 read it I almost lost it because it did not
17 reference anything that I had stated in my
18 review and it insinuated that I was a racist.

19 Q So after they handed you the report and you
20 read it, what was said?

21 A I said that I will need to get an attorney and
22 that this will be figured out in court at which
23 time Mr. Westbrook asked Mr. Sorenson to leave
24 the room.

25 Q And did the mayor say anything during that

1 meeting?

2 A I don't recall.

3 Q So as you sit here today you don't recall him
4 saying anything?

5 MS. DeMASTER: Objection; asked and
6 answered.

7 THE WITNESS: I don't recall him
8 saying anything.

9 BY MS. MURPHY:

10 Q Okay. So what did Adam say during that
11 meeting?

12 A He referenced the fact that there was
13 discussion in the Hall investigation about the
14 demand for money at the -- with the DEI group
15 and that that didn't align with the testimony
16 that I had previously told him, and he was
17 trying to -- he was trying to understand which
18 information was correct.

19 Q And how did you respond?

20 A I think I then responded that it'll have to be
21 figured out in court.

22 Q Did either of you say anything else during that
23 meeting?

24 A I don't believe so. I don't know.

25 Q Did you record that meeting?

1 Q What was the dialogue?

2 A Related to the fact that white men had more
3 privilege than other people and that we needed
4 to -- that him and I -- that there was a target
5 against us and that I needed to be -- watch
6 what I say.

7 Q What did you expect Mr. Wolf to do with your
8 complaint?

9 A Well, I had hoped that they were going to hire
10 this PR company to help clean up the narratives
11 and --

12 Q Do you believe he did anything to follow up on
13 any of the complaints you made to him?

14 A I can't answer that.

15 Q Is there some reason you didn't name him as a
16 defendant in this lawsuit?

17 A I can't answer that.

18 Q Well, it's your lawsuit. You can answer that.

19 A I don't know.

20 Q You don't know why you didn't name him?

21 A The main reason that I probably didn't name him
22 is because he was the only person that was
23 defending me in city hall during this whole
24 thing.

25 Q Do you believe he didn't do his job in relation

1 to your complaints?

2 A I'm not going to answer that because I don't
3 know.

4 Q You do have to answer that. Do you have any
5 information that would lead you to believe he
6 did not do his job in relation to your
7 complaints of harassment that you allege you
8 made to him?

9 MS. DeMASTER: Objection as to form.
10 Subject to that you can answer.

11 THE WITNESS: I don't have a response
12 to that because I don't know what his
13 day-to-day job duties entailed. He was my
14 boss.

15 BY MS. MURPHY:

16 Q Do you know whether he did anything about your
17 complaints?

18 A Well, he did -- I mean, the next one says he --
19 he did follow up with a letter to the council
20 that we talked about in the first deposition
21 and tried to defend my actions. So I'm
22 guessing that that all played into it.

23 Q Fantastic. So his November 7th letter to
24 council was what you believed was a response to
25 your complaints of harassment, right? Right?

1 acknowledge that the Fehr Graham environmental
2 job was also, I believe, a local job. They
3 have a local Sheboygan office, and I believe
4 that they may have known about the narratives
5 related to that as well because I never got a
6 job offer.

7 Q I believe earlier you had said something about
8 health issues or other things like that. Can
9 you clarify a little bit any physical injuries
10 you've had as a result of your --

11 A Sure. So I've -- I've -- well, besides the
12 loss of sleep and issues with my wife and my
13 family, I've had low testosterone and hair loss
14 and anxiety and panic attacks. I have high
15 blood pressure.

16 Q And all of that started when all of this
17 started going on at the City?

18 A Yes.

19 Q You had testified earlier in the deposition
20 when talking about one of the articles that it
21 was a false narrative and something about you
22 repeating a racial slur. Can you clarify, is
23 that the only injury you're alleging, or
24 what -- what happened to you? Is it just about
25 an article or --

1 Q So you never saw this -- an e-mail like this
2 come out in relation to any litigation, whether
3 it was by a former female City employee or a
4 former male City employee, correct?

5 A I have never seen an e-mail like this come out.

6 Q Irrespective of the sex of the employee that
7 filed the lawsuit, right? You've never seen
8 another e-mail like that?

9 A Correct.

10 Q Okay. You recall I told you at the beginning
11 of your deposition that if you didn't
12 understand any of my questions you were to stop
13 me and let me know so I could rephrase it,
14 right?

15 MS. DeMASTER: Objection to form.

16 THE WITNESS: I believe so.

17 BY MS. MURPHY:

18 Q And, in fact, you actually stopped me multiple
19 times and asked me to explain my question or
20 restate my question, didn't you?

21 A Yes.

22 Q Okay. Not once did you ever tell me that you
23 didn't understand the word "evidence" as I was
24 using it in one of my questions, did you?

25 A I'm not sure.

1 Q And you understand the word "information,"
2 right? When I asked you what information you
3 have regarding various allegations, you
4 understood that, right?

5 A Yeah.

6 Q So the questions that you answered -- when you
7 answered my questions, if you didn't ask me to
8 clarify it, you were responding to the question
9 understanding what was being asked, weren't
10 you?

11 A I believe so.

12 Q Okay. How did the -- you know, in the Hall
13 report which I believe was Exhibit 24 you only
14 identified four bullets of -- in that report
15 that you believed related to you in any manner;
16 is that -- do you recall that?

17 A Yes.

18 Q Okay. I'm handing you Deposition Exhibit 24.
19 The first bullet you referred to was on Page 3
20 of 6 of Exhibit 24 that says halfway down the
21 first paragraph "Among other topics, he,"
22 referring to Mr. Wolf, "talked extensively
23 about personnel matters and discipline
24 regarding a director who had disclosed
25 Pelishek's utterance of a racial slur in a